



GAU 2605

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
New Attorney Docket No. 10841US05

PATENT

In the Application of:
Iseberg et al.

Serial No.: 08/770,647

Filed: December 15, 1997

For: HIGH FIDELITY INSERT
EARPHONES AND METHOD FOR
MAKING SAME

Examiner: Le, H.

Group Art Unit: 2605

**CERTIFICATE OF
EXPRESS MAILING**

I hereby certify that this
correspondence is being deposited with the
United States Postal Service as "Express
Mail Post Office to Addressee" service in
an envelope addressed to: Asst.
Commissioner for Patents, Box CPA,
Washington, D.C. 20231, on **December
15, 1997.**

By: Christopher C. Winslade
Christopher C. Winslade
Reg. No. 36,308

**REQUEST FOR FILING CONTINUED PROSECUTION
APPLICATION UNDER 37 C.F.R. 1.53(d)**

Assistant Commissioner of
Patents
BOX CPA
Washington, D.C. 20231

RECEIVED
DEC 23 1997
GAU 2605

Dear Sir:

Request for filing a continued prosecution application under 37 C.F.R. 1.53(d)

of the prior United States non-provisional patent application identified above. The above-
identified prior application meets all of the following conditions:

- (1) the issue fee has not yet been paid;
- (2) it has not been abandoned;
- (3) proceedings in it have not been terminated and
- (4) it was filed on or after June 8, 1995.

12/22/1997
01 FC:202
02 FC:201
PEOPLES 00000113
41.00 CH
395.00 CH
08770647

01/14/1998
01 FC:202
PEOPLES 00000118
41.00 CH
08770647

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use the Serial Number and all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

Applicant is filing separately a Preliminary Amendment which adds claims 25-34. Claims 22-24 from the prior application are still pending.

Applicant is also filing this date under separate cover a Request For Two-Month Extension of Time to file an appeal brief in the prior application.

The inventor(s) named in this continued prosecution application are as follows:

**Steven J. Iseberg
Donald L. Wilson**

The inventor(s) named immediately above are exactly the same inventor(s) presently of record in the above-identified prior application, so no action respecting inventorship is needed.

The filing fee due for this application is affected because:

The small entity fee schedule applies. A verified statement that this is a filing by a small entity was filed in application Serial No. 07/880,244 on July 25, 1994. This status is still proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.

New Claims 25-34 submitted in a preliminary amendment being filed separately should be added before calculating the extra claims fee.

The filing fees are calculated as follows for a small entity:

Small Entity Fees

	Claims presented	Extra claims	Rate per extra claim		
Total claims	10	-20	=	0	x \$11 \$00.00
Indep. claims	5	- 3	=	2	x \$41 \$ 82.00
Basic fee					395.00
Total application fee					\$477.00

The following arrangements are being made to pay the government fees due.

The Commissioner is hereby authorized to charge the filing and extra claim fees which are presently required to Deposit Account No. 13-0017.

The ownership of the application is as follows:

The prior application is assigned to Etymotic Research, Inc. and the original assignment has been recorded in the Patent and Trademark Office at Reel 7500, Frame 0164.

The undersigned attorney is authorized to represent the applicants and receive correspondence because:

The power of attorney filed in the prior application currently in force authorizes the following attorneys, including the undersigned, to act on behalf of the inventor(s):

Name	Reg. No.
George P. McAndrews	Reg. No. 22,760
John J. Held	Reg. No. 21,061
Timothy J. Malloy	Reg. No. 25,600
William M. Wesley	Reg. No. 26,521
Lawrence M. Jarvis	Reg. No. 27,341
Gregory J. Vogler	Reg. No. 31,313
Jean Dudek Kuelper	Reg. No. 30,171
Herbert D. Hart III	Reg. No. 30,063
Robert W. Fieseler	Reg. No. 31,826
D. David Hill	Reg. No. 35,543
Thomas J. Wimbiscus	Reg. No. 36,059

Steven J. Hampton	Reg. No. 33,707
Priscilla F. Gallagher	Reg. No. 32,223
Stephen F. Sherry	Reg. No. 30,590
Patrick J. Arnold Jr.	Reg. No. 37,769
Robert B. Polit	Reg. No. 33,993
George Wheeler	Reg. No. 28,766
Janet M. McNicholas	Reg. No. 32,918
Ronald E. Larson	Reg. No. 24,478
Christopher C. Winslade	Reg. No. 36,308
Edward A. Mas II	Reg. No. 37,179
Gregory C. Schodde	Reg. No. 36,668
Edward W. Remus	Reg. No. 25,703
Donald J. Pochopien	Reg. No. 32,167
Phyllis Turner Brim	Reg. No. 39,864
Sharon A. Hwang	Reg. No. 39,717
David D. Headrick	Reg. No. 40,642
Dean D. Small	Reg. No. 34,730
Kirk A. Vander Leest	Reg. No. 34,036
Robert P. Renke	Reg. No. 40,783
Anthony E. Dowell	Reg. No. 39,661
Peter J. McAndrews	Reg. No. 38,547
Paul L. Rodriguez	Reg. No. 40,788
Jeffrey D. Hsi	Reg. No. 40,024

A copy of the power of attorney previously filed appears in the original papers in the prior application.

Address all future written communications and telephone calls to

Christopher C. Winslade
 McAndrews, Held & Malloy, Ltd.
 500 West Madison Street, 34th Floor
 Chicago, Illinois 60661
 (312) 707-8889

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark office may provide similar information or access to all the other applications in the same file wrapper.

MCANDREWS, HELD & MALLOY, LTD.

A handwritten signature in cursive script, reading "CC Winslade", written over a horizontal line.

Christopher C. Winslade

Reg. No. 36,308

Dated: December 15, 1997